

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
W/S proposed Nearock Court, \* DEPUTY ZONING COMMISSIONER  
221.92' N of proposed Disney Ct. (Lot 3 of Pleasant Fields)  
4th Election District \* OF BALTIMORE COUNTY  
3rd Councilmanic District \* Case No. 91-432-A  
Georgia W. Baublitz  
Petitioner

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 1801.2.C.2A of the Baltimore County Zoning Regulations (B.C.Z.R.), and from Section V.B.5.b. of the Comprehensive Manual of Development Policies (CMDP) to permit a window and building to tract boundary setback of 15 feet each in lieu of the required 35 feet and 30 feet respectively, for a proposed dwelling in accordance with Petitioner's Exhibit 1.

The Petitioner, by Lowrie B. Sargent, Partner, Hewitt Farm Associates II, Contract Purchaser, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as proposed Lot 3 of Pleasant Fields, consists of 0.20 acres zoned D.R. 3.5 and is presently unimproved. The Contract Purchaser is desirous of constructing a single family dwelling on Lot 3 as depicted on Petitioner's Exhibit 1. Testimony indicated that due to existing grading conditions on the northern end of the property, the proposed dwelling had to be situated as shown on Petitioner's Exhibit 1. Testimony also revealed the Contract Purchaser is desirous of saving an existing garage located on Lot 1 adjacent to the subject site. Because of the foregoing reasons, Mr. Sargent testified that the relief requested is necessary in order to develop the property as proposed. Testimony indicated the relief requested will not result in any

detriment to the health, safety or general welfare of the surrounding community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soloy, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17<sup>th</sup> day of July, 1991 that the Petition for Zoning Variance from Section 1801.2.C.2A of the Baltimore County Zoning Regulations (B.C.Z.R.), and from Section V.B.5.b. of the Comprehensive Manual of Development Policies (CMDP) to permit a window related and building relat-

- 2 -

ed boundary of 15 feet each in lieu of the required 35 feet and 30 feet respectively, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:djs

ORDER RECEIVED FOR FILING  
Date 7/17/91  
By [Signature]

- 3 -

#### PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY **91-432-A**

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1801.2.C.2A, (B.C.Z.R.) and Section V.B.5.b. (CMDP Manual) to permit a window related and building related boundary setback of 15 ft. in lieu of the required, respectively 35 ft. and 30 ft. setbacks to a boundary line.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

SEE ATTACHED

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
Hewitt Farm Associates II (Type or Print Name)	Georgia W. Baublitz (Type or Print Name)
<i>Lowrie B. Sargent</i> Signature	<i>Georgia W. Baublitz</i> Signature
13243 Westmeath Lane Address	(Type or Print Name)
Clarksville, MD 21029 City and State	Signature
Attorney for Petitioner:	31 Pleasant Hills Road Address
E. Alexander Adams (Type or Print Name)	Phone No. <u>258-2447</u>
<i>E. Alexander Adams</i> Signature	Owings Mills, MD 21117 City and State
5042 Dorsey Hall Drive, #103 Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Ellicott City, MD 21043 City and State	Name
Attorney's Telephone No.: 992-1477 Address	Phone No.

ORDER RECEIVED FOR FILING  
Date 7/17/91  
By [Signature]

ORDERED By The Zoning Commissioner of Baltimore County, this 15 day

July, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 11<sup>th</sup> day of July, 1991, at 9 o'clock

PM.

ESTIMATED LENGTH OF HEARING - 1/2HR. (4HR.) Zoning Commissioner of Baltimore County.

ALL NON-ADJUDICATORY - FEEL TWO MONTHS (over)

REVIEWED BY: [Signature] Date 5-7-91

#### Attachment to Petition for Zoning Variance

**91-432-A**

The setback requirements, if not waived, will not allow construction on this cul-de-sac lot due to the specified window and building boundary line setback requirements.

This tract section is actually a continuation of the Hewitt Farms Subdivision, and in fact the access to Tollhouse Road (access to the nearest public road) for this cul-de-sac is through the roads of Hewitt Farms Subdivision. Both tracts are being developed by the same developer entities.

The internal window setback in a subdivision is only 40 feet total, or 30 feet less than if 2 lots are back to back with a dividing boundary line, as is the case in this matter. Since this is in essence one line, as is the case in this matter, developed sequentially, it is respectfully requested that consideration of these requested variances be viewed as an internal subdivision issue.

Without the requested variances this lot is unbuildable. Additionally, the severe topography of the lot dictates that the proposed location is the only practical site for the house. Thus based on these dual hardships it is requested that the variances be granted.

H:\KAWP\ZON VAR - May 2, 1991

#### ZONING DESCRIPTION

Beginning at a point on the west side of proposed Nearock Court which is a 100' diameter cul-de-sac right-of-way at the distance of 221.92' north of the centerline of the proposed Disney Court which is a 50' wide right-of-way. Being proposed as Lot 3 in the subdivision of Pleasant Fields with record plat to be filed and deed reference of Liber 4901 Folio 648 and containing 8,886 square feet and 0.20 acres. With property address to be assigned and located in the 4th district, 3rd councilmanic district.

**Baltimore County Zoning Commissioner**  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-4150  
Number

Date: 5-3-91

*Georgia W. Baublitz / Hewitt Farm Associates II*  
Residential Variance filing fee \$35.00

*WS Nearock Ct. (Lot 3)*  
*221 ft N. of Centerline of Disney Ct.*

Please Make Checks Payable To: Baltimore County  
04404800761CHRC  
044009131405-03-91  
\$35.00

receipt

**Baltimore County Zoning Commissioner**  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-4150  
Number

Date: 5/03/91

H9100519

PUBLIC HEARING FEES	QTY	PRICE
100 - ZONING VARIANCE (IAL)	1	\$35.00
TOTAL:		\$35.00

LAST NAME OF OWNER: BAUBLITZ

Please Make Checks Payable To: Baltimore County

receipt



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

June 18, 1991

E. Alexander Adams, Esquire  
5042 Dorsey Hall Drive, #103  
Ellicott City, MD 21043

RE: Item No. 419, Case No. 91-432-A  
Petitioner: Georgia W. Baublitz  
Petition for Zoning Variance

Dear Mr. Adams:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Ms. Georgia W. Baublitz  
Hewitt Farm Associates II



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this  
15th day of May, 1991.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

*James E. Dyer*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Georgia W. Baublitz

Petitioner's Attorney: E. Alexander Adams

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines Zoning Commissioner DATE: June 6, 1991

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Richard M. Hollis, Item No. 410  
Marc H. Nachman, Item No. 411  
Georgia W. Baublitz, Item No. 419

In reference to the petitioners' request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEMS.3/ZAC1

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: May 29, 1991

TO: Mr. J. Robert Haines  
Zoning Commissioner

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: May 14, 1991

This office has no comments for items number 413, 414, 415, 416, 417, 418, 419, 420, 421, 422 and 423.

*Rahee J. Famili*  
Rahee J. Famili  
Traffic Engineer II

RJF/lvd

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 15, 1991

FROM: Dennis A. Kennedy, P.E.

RE: Zoning Advisory Committee Meeting  
for May 14, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 413, 416, 418, 420, 422 and 423.

For Item 417, the previous County Review Group Meeting comments are still applicable. The panhandle to Lot 3 should be 20 feet between Lots 1 and 2.

For Item 419, the previous County Review Group Meeting comments are still applicable.

For Item 414, a 10-foot drainage and utility easement exists along the north property line, as shown on record plat 40/122. No permanent structures are allowed within County easements.

For Item 415, a County Review Group Meeting is required.

For Item 421, this site must be submitted through the minor subdivision process for review and comments.

*Dennis A. Kennedy*  
Dennis A. Kennedy, P.E., Acting Chief,  
Developers Engineering Division

DAK:e

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

July 17, 1991

Mr. Lowrie Sargent  
Hewitt Farm Associates II  
13243 Westmeath Lane  
Clarksville, Maryland 21029

RE: PETITION FOR ZONING VARIANCE  
W/S proposed Nearock Court, 221.92' N of proposed Disney Court  
(Lot 3 of Pleasant Fields)  
4th Election District - 3rd Councilmanic District  
Georgia W. Baublitz - Petitioner  
Case No. 91-432-A

Dear Mr. Sargent:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

*Timothy M. Rotroco*  
TIMOTHY M. ROTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: E. Alexander Adams, Esquire  
5042 Dorsey Hall Drive, Suite 103, Ellicott City, Md. 21043

Ms. Georgia W. Baublitz  
31 Pleasant Hills Road, Owings Mills, Md. 21117

People's Counsel

File

Baltimore County Government  
Fire Department



700 East Joppa Road, Suite 901  
Towson, MD 21204-5500

(301) 887-4500

AUGUST 6, 1991

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: GEORGIA W. BAUBLITZ

Location: W/S NEAROCK COURT

Item No.: 419 Zoning Agenda: MAY 14, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals of 750 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *John J. Kelly* Noted and  
Planning Group Approved  
Special Inspection Division Fire Prevention Bureau

JK/KEK

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Lowrie B. Sargent	13243 Westmeath Lane Clarksville MD 21029

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: *11* Date of Posting: *8/1/91*  
Posted for: *Lowrie B. Sargent*  
Petitioner: *Lowrie B. Sargent*  
Location of property: *13243 Westmeath Lane, Clarksville, MD 21029*  
Location of Sign: *13243 Westmeath Lane, Clarksville, MD 21029*  
Remarks: *See attached plans and notes.*  
Posted by: *John J. Kelly* Date of return: *8/1/91*  
Number of Signs: *1*



# CERTIFICATE OF PUBLICATION

TOWSON, MD. 6/15/91

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on 6/15/91.

THE JEFFERSONIAN,

S. Zake Orlan  
Publisher

9/15/91

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 West Chesapeake Avenue in Towson, Maryland 21204 at 9:00 a.m.

Case Number: 91-432-A  
W/S (proposed) Hearock Court, 221' W of c/l (proposed) Disney Court, Lot #3 or Lot #3, 130' S of point on Pleasant Hill Road, 1550' W of Reisterstown Road, 4th Election District, 3rd Councilmanic District.

Hearing Date: Thursday, July 11, 1991 at 9:00 a.m.

Variance: to permit a window related and building related boundary setback of 15 ft. in lieu of the required respective 35 ft. and 30 ft. setbacks to boundary line.

J. ROBERT HAINES, Zoning Commissioner of Baltimore County  
OMT J 6-002 June 6

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

DATE: 6/15/91

Hewitt Farm Associates, II  
13243 Westmeath Lane  
Clarksville, Maryland 21029

RE:

Case Number: 91-432-A  
W/S (proposed) Hearock Court, 221' W of c/l (proposed) Disney Court, Lot #3 or Lot #3, 130' S of point on Pleasant Hill Road, 1550' W of Reisterstown Road, 4th Election District - 3rd Councilmanic District.  
Petitioner(s): Hewitt Farm Associates, Inc.  
HEARING: THURSDAY, JULY 11, 1991 at 9:00 a.m.

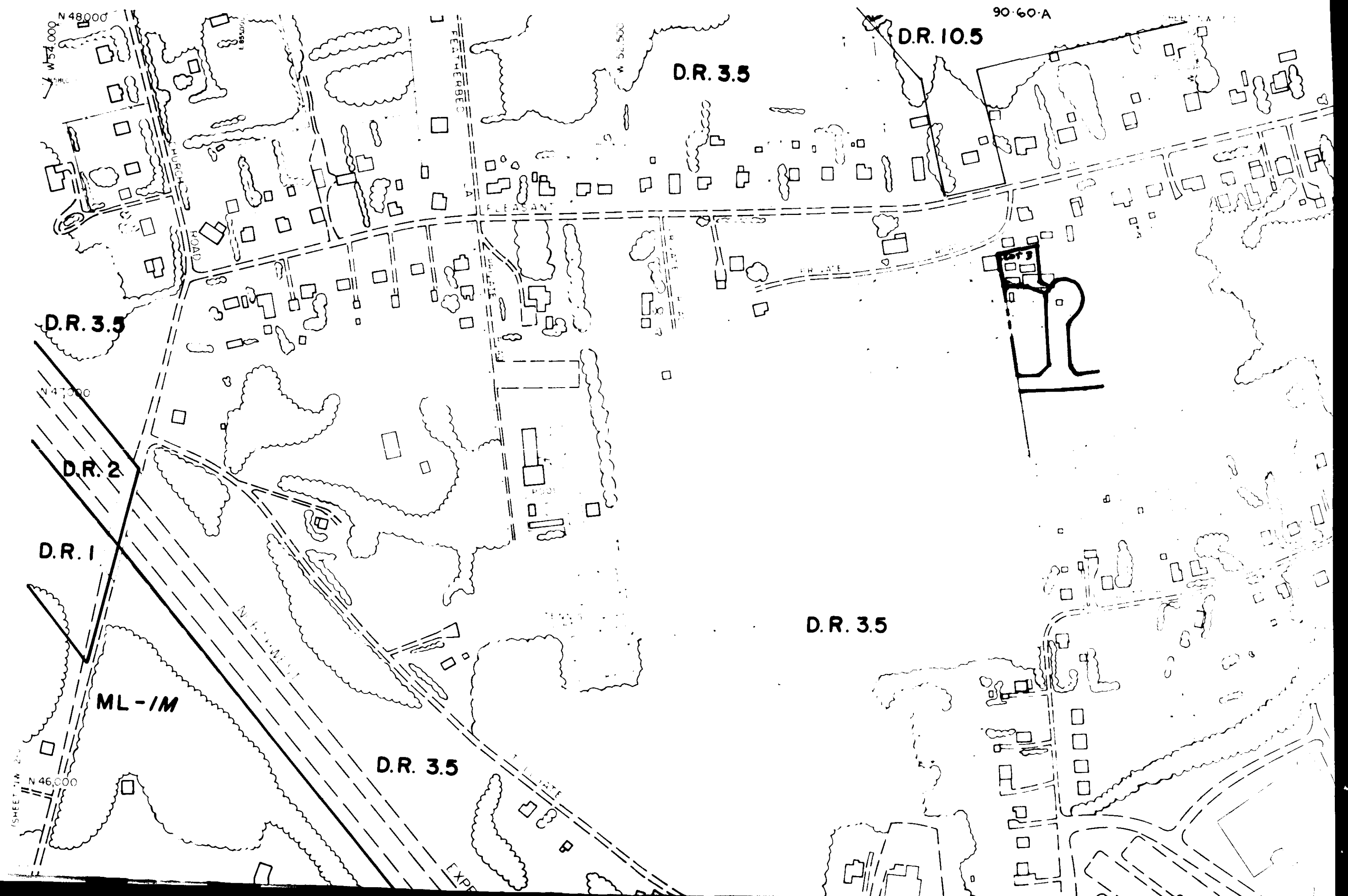
Dear Petitioner(s):

Please be advised that \$100.18 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 West Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

ARNOLD JABLON  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND



# "DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD. 6/15/91

THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on 6/15/91.

OWINGS MILLS TIMES,

S. Zake Orlan  
Publisher

\$75.18

## NOTICE OF HEARING

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J. ROBERT HAINES, Zoning Commissioner of Baltimore County  
OMT J 6-002 June 6

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

May 21, 1991

## NOTICE OF HEARING

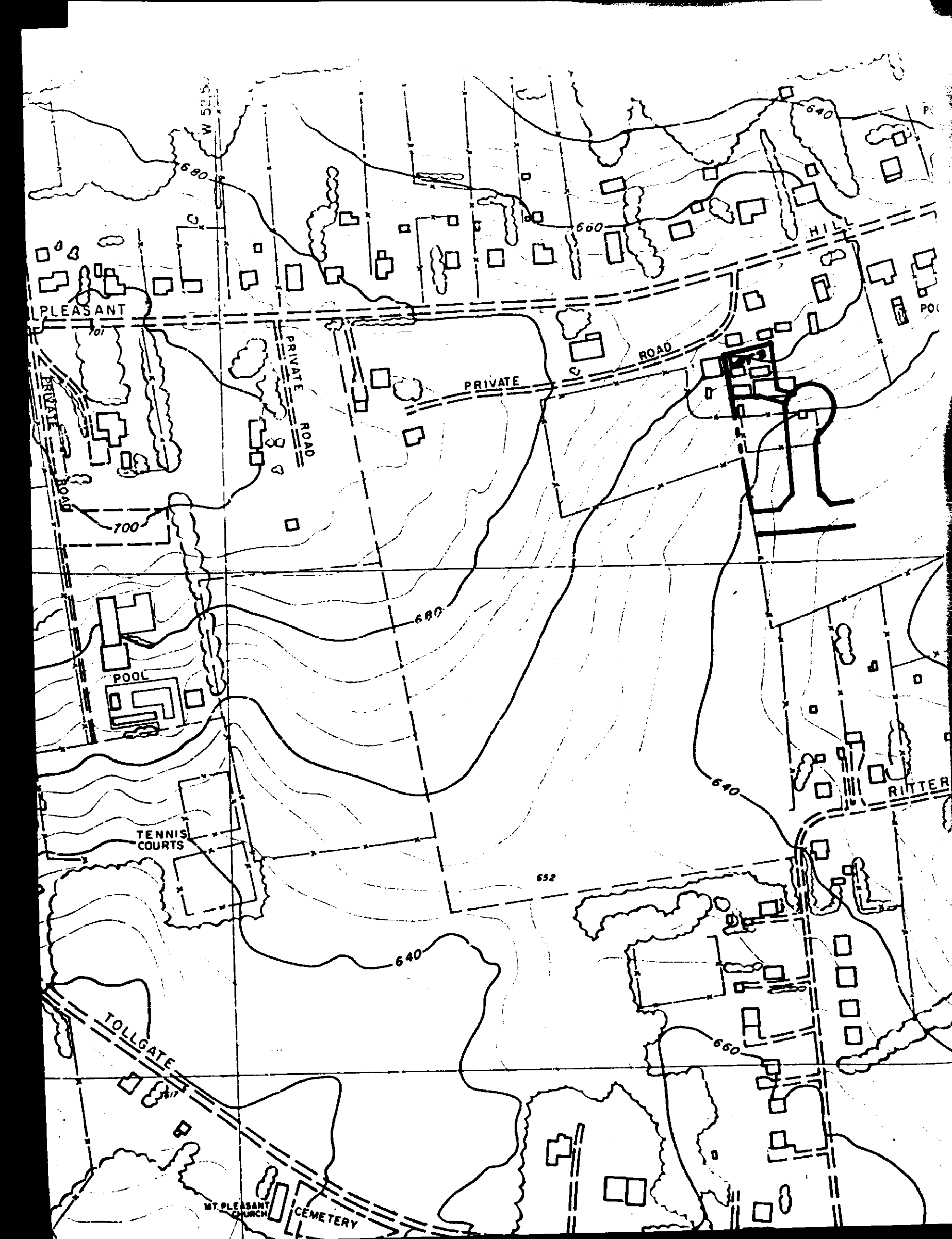
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 West Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-432-A  
W/S (proposed) Hearock Court, 221' W of c/l (proposed) Disney Court, Lot #3 or Lot #3, 130' S of point on Pleasant Hill Road, 1550' W of Reisterstown Road, 4th Election District - 3rd Councilmanic District.  
Petitioner(s): Hewitt Farm Associates, Inc.  
HEARING: THURSDAY, JULY 11, 1991 at 9:00 a.m.

Variance to permit a window related and building related boundary setback of 15 ft. in lieu of the required respective 35 ft. and 30 ft. setbacks to boundary line.

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: Georgia W. Beahltz  
Hewitt Farm Associates, II  
E. Alexander Adams, Esq.



receipt

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account Number: R-001-6150

Date

Please Make Checks Payable To: Baltimore County

Cashier Validation

# PLAT TO ACCOMPANY PETITION FOR ZONING

☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS: TO BE ASSIGNED

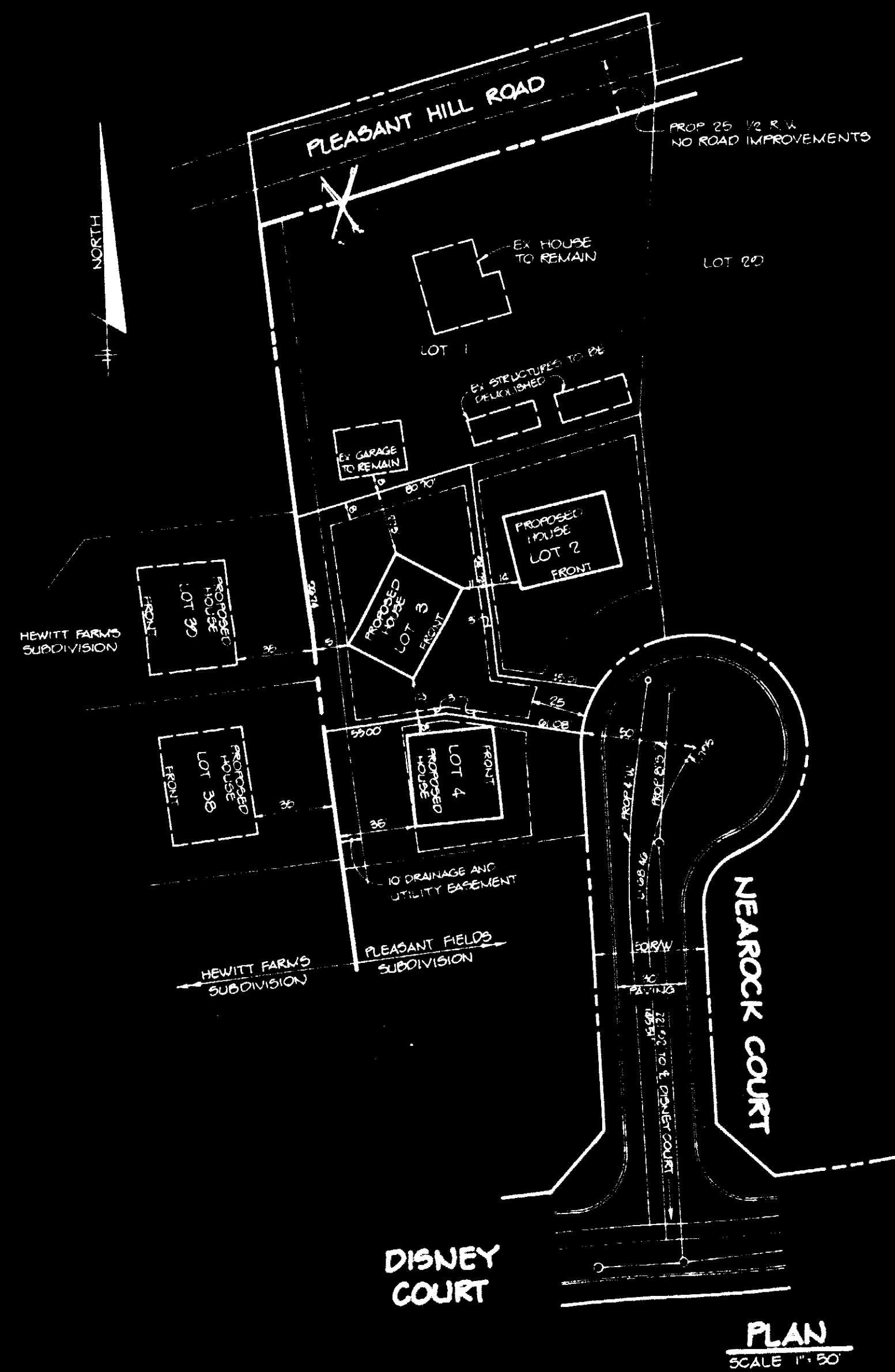
SUBDIVISION NAME: PLEASANT FIELDS

PLAT BOOK # 4001, FOLIO # 648, LOT # 3, SECTION # 12

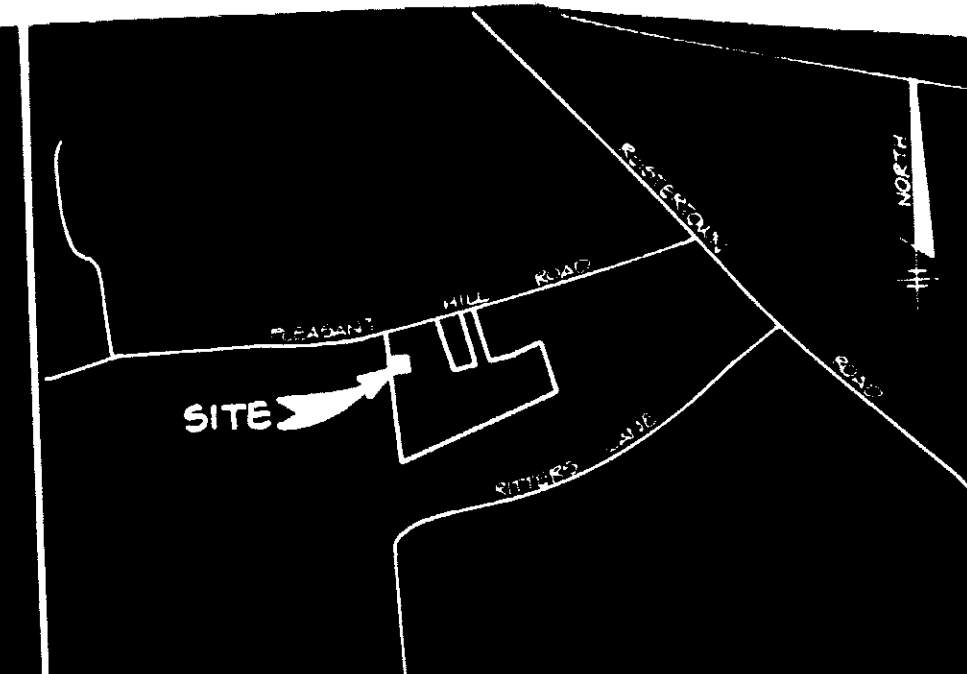
RECORD PLAT TO BE FILED

OWNER: GEORGIA DAUDLITZ

CONTRACT PURCHASER: HEWITT FARMS ASSOCIATES II SLOAN R. SARGENT



DATE MAY 3, 1991  
PREPARED BY REIMER MUEGGLE AND ASSOCIATES, INC.



## LOCATION INFORMATION

COUNCILMAN'S DISTRICT: 3

ELECTION DISTRICT: 4

PLAT SCALE MAP: N/A, 1:1

ZONING: OR 35

LOT SIZE: 0.00 ACREAGE 8800 SQUARE FEET

SEWER: PUBLIC PRIVATE  
WATER: YES NO

UNDEVELOPED PAY CRITICAL AREA: YES NO

PRIOR ZONING HEARINGS: NONE

91-432-A

PETITIONER'S  
EXHIBIT 1

## ZONING OFFICE USE ONLY!

REVIEWED BY: [Signature] ITEM # 418 419 CASE #